

Message Text

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ACTION EUR-25

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TO SECSTATE WASHDC 5158

INFO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: PINT, MT

SUBJ: CONSTITUTIONAL ISSUES DEBATE

REF: VALLETTA 103

1. SUMMARY: FURTHER REPORTING ON SUBJECT DEBATE PROVIDED FURTHER INFO AND COLORATION. THESE FURTHER REPORTS SHOW THAT NATIONALISTS, PRINCIPALLY PARTY SECRETARY DEMARCO, GAVE GOOD ACCOUNT OF THEMSELVES AND GAVE EVEN STRONGER IMPRESSION OF MINTOFF'S APPARENT INTRANSIGENCE ON CONSTITUTIONAL ISSUES.

2. NATIONALIST SPOKESMAN DEMARCO MAINTAINED THAT MINTOFF'S HISTORICAL BACKGROUND STATEMENTS WERE IRRELEVANT AS THE CONSTITUTION HAD BEEN, IN TERMS OF ELECTIONS, PUT TO THE VOTERS IN 1966 AND 1971. THE MLP ELECTORAL PLATFORM DID NOT INCLUDE PROPOSED CONSTITUTIONAL AMENDMENTS AND THE MLP HAS NO MANDATE TO DO SO.

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3. DEMARCO SAID THAT BRINGING THE CONSTITUTIONAL

COURT ISSUE TO COUNCIL OF EUROPE WAS NOTHING NEW. IN 1968 DEP PRIMIN BUTTIGIEG HAD RAISED CHURCH INVOLVEMENT IN 1966 ELECTION. THE LEGAL COMMITTEE OF THE COUNCIL HAD STUDIED SITUATION AND ITS REPORT SAID THAT IT WAS DIFFICULT TO ESTABLISH A BREACH OF HUMAN RIGHTS WHEN THE CHURCH USED ITS INFLUENCE OVER ITS MEMBERS. BUTTIGIEG HAD ALSO RAISED THE RIGHT OF INDIVIDUAL PETITION AT THE COUNCIL, A SUBJECT WHICH HAD LATER BEEN INCLUDED IN THE MLP 1971 ELECTORAL PLATFORM BUT NOTHING AS YET HAD BEEN DONE.

4. DEMARCO HELD THAT THE DRAFT CONSTITUTION HAD BEEN IN THE HANDS OF ALL POLITICAL PARTIES FOR MANY MONTHS BEFORE PASSAGE AND ONLY THE MLP AND MISS STRICKLAND (PCP NO LONGER REPRESENTED) VOTED AGAINST IT. THE SMALL PARTIES HAD BEEN AGAINST INDEPENDENCE, BUT THEY APPROVED THE CONSTITUTION.

5. DEMARCO THEN CITED CONSTITUTIONAL DEVELOPMENTS IN A NUMBER OF COUNTRIES, INCLUDING THE UNITED STATES. MINTOFF ANSWERED THAT U.S. CONSTITUTION HAD NOT BEEN IMPOSED BY HMG; THE AMERICANS MADE IT THEMSELVES.

6. DEMARCO ASKED IF GOM WOULD CONSTITUTE THE CONSTITUTIONAL COURT IF OPPOSITION WOULD AGREE TO ELIMINATE THE POSITION OF COURT VICE PRESIDENT. MINTOFF RESPONDED THAT THE COURT WOULD BE SET UP IF OPPOSITION AGREED THAT THE TWO-THIRDS MAJORITY WOULD ONLY BE REQUIRED ON PROVISIONS ON WHICH BOTH SIDES AGREED AND THAT ALL OTHER PROVISIONS COULD BE CHANGED WITH SIMPLE MAJORITY. DEMARCO SAID THAT THIS WAS UNACCEPTABLE TO THE OPPOSITION, AND SHOWED THAT THE CONSTITUTIONAL COURT ISSUE WAS MERELY A GOM PRETEXT TO OPEN UP OTHER ISSUES.

7. DEMARCO SAID OPPOSITION IS PREPARED TO MEET AND DISCUSS THE CONSTITUTION WITHOUT PRECONDITIONS, BUT IT COULD NOT DISCUSS THE CONSTITUTION AS IF IT DID NOT EXIST. MINTOFF HELD THAT THE CONSTITUTION WAS NOT DEMOCRATIC. IT WOULD BE JUST AS ABJECT TO LIMITED OFFICIAL USE

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RETAIN IT AS IT WOULD BE ABJECT TO IMPOSE ANOTHER ONE BY FORCE. GOM DOES NOT WANT TO IMPOSE A NEW CONSTITUTION LIKE THE NATIONALISTS HAD DONE WITH HELP OF BORROWED FOREIGN STRENGTH. IF THE OPPOSITION WANTS DEMOCRACY THEY HAVE TO ACCEPT THE OPINIONS OF OTHERS.

8. LABOR MP PAUL CARACHI INTERJECTED THAT P.M. WAS GENUINELY DESIROUS OF SAVING DEMOCRACY, AND ON THE

OPPOSITION BENCHES THERE ARE MEMBERS SIMILARLY
MOTIVATED. HE SUGGESTED THAT A PRIVATE MEETING BE
HELD TO SEE TO WHAT EXTENT AGREEMENT COULD BE REACHED.

9. CARACHI'S (PROBABLY UNAUTHORIZED) INTERJECTION
APPARENTLY WAS IGNORED, AS MINTOFF WENT ON TO SAY
THAT IF NO AGREEMENT IS REACHED WITH OPPOSITION, GOM
WOULD CALL IN THE JUDGES AND TELL THEM THAT THIS
IS THE CONSTITUTION (THE GOM AMENDED ONE, PRESUMABLY)
AND THEY COULD ACCEPT IT OR RESIGN. NEITHER HMG NOR
ANYONE ELSE COULD DO ANYTHING ABOUT IT. GOM IS PRE-
PARED TO GIVE AN UNDERTAKING THAT ELECTIONS WOULD BE
HELD IN THE PERIOD PRESCRIBED IN PRESENT CONSTITUTION.

10. OPPOSITION DEPUTY LEADER TABONE ATTEMPTED TO
TEMPORIZE BY SAYING THAT OPPOSITION WOULD BEND OVER
BACKWARD TO REACH AGREEMENT. NATIONALIST WHIP BORG
OLIVIER DE PUGET FELT THAT MORE TIME SHOULD BE GIVEN
FOR REFLECTION. MINTOFF SAID GOM COULDN'T WAIT INDEFINITELY.
IF TWO OR THREE MONTHS PASSED WITHOUT ANYTHING BEING
DONE ON THE ISSUE, THEN GOM WOULD DECIDE WHAT TO DO.
BETWEEN ACCEPTING THE DIRT CONTAINED IN THE PRESENT
CONSTITUTION (SIX) AND IMPOSING ANOTHER ONE, HE
(MINTOFF) PREFERRED THE LATTER.TUCKER

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